

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Hoys, Inc., Skill Properties, LLC, James
Massengill, Kaylea Massengill and Haldun,
Inc.,

Plaintiffs,

vs.

EBJ&F, LLC, Med-Health Pharmaceutical
Products, LLC and Edwin Fujinaga,

Defendants.

EBJ&F, LLC, Med-Health Pharmaceutical
Products, LLC and Edwin Fujinaga,

Counterclaimants,

Hoys, Inc., Skill Properties, LLC, James
Massengill, Kaylea Massengill and Haldun,
Inc., DOES I through X; ROE
CORPORATIONS XI through XX, inclusive,

Counter-Defendants.

CASE NO.: 2:13-cv-00912-APG-VCF

PRILIMINARY INJUNCTION

On October 18, 2013 at 1:30 PDT, Hoys, Inc.'s ("Hoys") Motion for Preliminary Injunction (the "Motion") came on for hearing before this Court. Counsel for Defendants/Counterclaimants filed a Response to the Motion, and Hoys filed a Reply in support of the Motion. Counsel for both sides participated in the hearing. Having considered the pleadings filed in connection with the Motion and all evidence and argument submitted by the parties, the Court finds that Hoys has shown a strong likelihood of success on its claimed right to collect accounts receivable from third-parties, a likelihood that it faces immediate, irreparable

1 injury from Defendants/Counterclaimants' conduct, and that the equities and the public interest
2 weigh in favor of granting the Motion.

3 **WHEREFORE**, in consideration of the foregoing, the Court being fully advised in the
4 premises,

5 **IT IS HEREBY ORDERED** that Edwin Fujinaga, EBJ&F, LLC, Med-Health
6 Pharmaceutical Products, LLC and all of their affiliates, agents and owners are hereby
7 immediately restrained and enjoined from collecting or attempting to collect accounts receivable
8 payable to Hoys and from taking any action to interfere with Hoys's collection of accounts
9 receivable payable to Hoys.

10 **IT IS FURTHER ORDERED** that Hoys is hereby immediately authorized to collect any
11 and all accounts receivable payable to Hoys.

12 **IT IS FURTHER ORDERED** that, because Hoys is expressly authorized to collect all
13 accounts receivable payable to Hoys, Edwin Fujinaga, EBJ&F, LLC, Med-Health Pharmaceutical
14 Products, LLC and all of their affiliates, agents and owners shall hold Pharmaceutical
15 Technologies, Inc. d/b/a National Pharmaceutical Services ("NPS") harmless for any payments
16 NPS makes to Hoys on any accounts receivable owed by NPS to Hoys.

17 **IT IS FURTHER ORDERED** that, notwithstanding the hold harmless provisions set
18 forth above, nothing contained in this Order shall preclude Edwin Fujinaga, EBJ&F, LLC, Med-
19 Health Pharmaceutical Products, LLC and their affiliates, agents and owners from asserting
20 claims against Hoys or any of the Plaintiffs/Counter-Defendants with respect to Hoys's collection
21 of and disposition of third-party funds.

22 ///

23 ///

24 ///

25 ///

26 ///


27 ///

28 ///

1 **IT IS FUTHER ORDERED** that this Preliminary Injunction shall take effect
2 immediately and shall remain in effect pending trial in this action or further order of this Court.

3 **IT IS FUTHER ORDERED** that the bond Hoys has filed with the Clerk of this Court, in
4 the amount of \$1,000.00, payable to Defendants/Counterclaimants, shall serve as security for all
5 claims with respect to this Preliminary Injunction.

6 Dated this 29th day of October, 2013.

7
8 
9 _____
The Honorable Andrew P. Gordon
United States District Judge

10
11 Respectfully submitted:

12
13 MARQUIS AURBACH COFFING

14 By: /s/ Christian T. Balducci, Esq.
15 Frank M. Flansburg III, Esq.
Nevada Bar No. 6970
16 Christian T. Balducci, Esq.
Nevada Bar No. 12688
17 10001 Park Run Drive
18 Las Vegas, Nevada 89145
Attorneys for Plaintiffs